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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SOREY, ROBERT A

ART UNIT	PAPER NUMBER
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4194

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02/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/725,948	Applicant(s) WOHL, ERIC	
	Examiner ROBERT SOREY	Art Unit 4194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/2/2003, 08/09/2004, 06/07/2005, 09/22/2005,</u> | 6) <input type="checkbox"/> Other: _____ |
| <u>02/01/2006.</u> | |

DETAILED ACTION

Specification

1. The use of the trademark BLUETOOTH has been noted in this application, which should be capitalized or followed by a proper trademark symbol, such as TM or ©, wherever they appear, and should be accompanied by the generic terminology where appropriate.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

2. Claim 11 is objected to because of the following informalities: the words “of a” that appear between the phrases “at least one” and “parent finding” appear to be extraneous, and for the purposes of examination will not be considered.

Appropriate correction is required.

3. Claim 17 is objected to because of the following informalities: the article “a” is used where its alternate form, “an”, should be because of the initial vowel sound of the word, “encounter”, following said article, and for the purposes of examination is considered as such.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-2, 6, 18-23, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. The use of the word "operable" makes it unclear to the examiner as to what the instructions are intended for if not perform the actions as described by the claim.
7. Additionally, claim 20 recites "virtual consultant data". The meaning of the phrase is unclear and precludes application of art.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-7, 9-13, 17-18, 21-25, and 29-38 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,208,974 to Campbell et al.
10. As per claim 1, Campbell et al. teaches a system comprising:
 - a processor (Fig. 1, ele. 121)(see: column 4, lines 52-58);
 - a database accessible to the processor, the database comprising: a relationship table identifying a relationship of at least one pair of medical findings (see: column 4, lines 12-14, and column 17, lines 6-14);
 - and storage media storing: instructions operable to direct the processor (see: column 5, lines 8-12) to retrieve the relationship of the at least one pair of medical findings (column 17, lines 6-14);

--and instructions operable to direct the processor to generate graphical user interface data based on the relationship (see: column 4, lines 8-11).

11. As per claim 2, see discussion of claim 1.

12. As per claim 3, see discussion of claim 1.

13. As per claim 4, see discussion of claim 1.

14. As per claim 5, Campbell et al. discloses the invention as claimed, see discussion of claim 1, and further teaches:

--comprising a network interface accessible to the processor (Fig. 1, ele. 151 and 152)(see: column 4, lines 45-51, and column 5, lines 47-51).

15. As per claim 6, Campbell et al. discloses the invention as claimed, see discussion of claim 5, and further teaches:

--instructions operable to direct the processor to communicate the graphical user interface data to an interface device via the network interface (see: column 3, line 66 through column 4, line 11, and column 4, lines 31-48).

16. As per claim 7, see discussion of claim 6.

17. As per claim 9, Campbell et al. discloses the invention as claimed, see discussion of claim 1, and further teaches:

-- a template table identifying a parent finding associated with the relationship of the at least one pair of medical findings (see: column 17, lines 6-14).

18. As per claim 10, Campbell et al. discloses the invention as claimed, see discussion of claim 9, and further teaches:

--a complaint table identifying a complaint associated with the parent finding (see: column 4, lines 12-14, and column 17, lines 6-23).

19. As per claim 11, Campbell et al. discloses the invention as claimed, see discussion of claim 1, and further teaches:

--a finding usage table identifying metadata associated with at least one of a parent finding and a child finding associated with the relationship of the at least one pair of medical findings (see: column 17, lines 51-65, and column 17, lines 6-14).

20. As per claim 12, Campbell et al. discloses the invention as claimed, see discussion of claim 11, and further teaches:

--the metadata comprises a display text (Fig. 10, ele. 1006 and 1008)(see: column 17, lines 59-61).

21. As per claim 13, Campbell et al. discloses the invention as claimed, see discussion of claim 11, and further teaches:

--the metadata comprises a control element type (Fig. 10, ele. 1008)(see: column 17, lines 66-67 through column 18, lines 1-5).

22. As per claim 17, Campbell et al. discloses the invention as claimed, see discussion of claim 1, and further teaches:

--a encounter findings table identifying an encounter finding associated with the relationship of the at least one pair of medical findings (see: column 4, lines 12-14, and column 17, lines 6-28).

23. As per claim 18, see discussion of claim 17.

24. As per claim 21, see discussion of claims 1 and 2: Campbell et al. further teaches a display medium (Fig. 1, ele. 147)(see: column 5, lines 29-31).

25. As per claim 22, see discussion of claim 21.

26. As per claim 23, see discussion of claim 21.

27. As per claim 24, see discussion of claim 3.

28. As per claim 25, see discussion of claim 4.

29. As per claim 29, see discussion of claim 1.

30. As per claim 30, see discussion of claim 2.

31. As per claim 31, see discussion of claim 21.

32. As per claim 32, see discussion of claim 21.

33. As per claim 33, see discussion of claim 18.

34. As per claim 34, Campbell et al. teaches the invention as claimed, see discussion of claim 33, and further teaches:

--the encounter comprises attendance to a patient by a medical professional (see: column 6, lines 10-22, and column 7, lines 60-62).

35. As per claim 35, see discussion of claim 1.

36. As per claim 36, see discussion of claim 2.

37. As per claim 37, see discussion of claims 1 and 2.

38. As per claim 38, see discussion of claim 33.

Claim Rejections - 35 USC § 103

39. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

40. Claims 8 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,208,974 to Campbell et al. in view of U.S. Patent Application Publication 2004/0078231 to Wilkes et al.

41. As per claim 8, Campbell et al. discloses the invention as claimed, see discussion of claim 5, but fails to teach:

--the network interface is a wireless network interface.

However, Wilkes et al. teaches a wireless network interface (Fig. 7, ele. 126)(see: at least paragraphs, 16, 21, 133, and 173). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the wireless network aspect of Wilkes et al. and the network of Campbell et al. with the rationale of having remote electronic access to documentation results "for making patient care related decisions accordingly and in a timely manner" (see: paragraph 22).

42. As per claim 26, see discussion of claim 8.

43. As per claim 27, Campbell discloses the invention substantially as claimed, see discussion of claim 21, but fails to teach:

--tablet computational circuitry.

However, Wilkes et al. teaches a tablet device (see: at least paragraphs 16, 21, and 133).

44. As per claim 28, Campbell discloses the invention substantially as claimed, see discussion of claim 21, but fails to teach:

--a personal digital assistant.

However, Wilkes et al. teaches a personal digital assistant (Fig. 7, ele. 118)(see: at least paragraphs 16, 21, 133, and 173).

45. Claims 14-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,208,974 to Campbell et al. in view of U.S. Patent Number 6,915,254 to Heinze et al.

46. As per claim 14, Campbell et al. discloses the invention substantially as claimed, see discussion of claim 11, but fails to specifically point out:

--the metadata comprises a medical coding.

However, Heinze et al. teaches using medical metadata for medical coding (see: column 2, lines 29-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the medical coding aspects of Heinze et al. and the system as taught by Campbell et al. with the rationale of reducing the need for human intervention, improving consistency of coding, increasing throughput, and decreasing reimbursement time (see: Heinze et al., column 2, lines 36-39).

47. As per claim 15, see discussion of claim 14.

48. As per claim 16, Campbell et al. discloses the invention substantially as claimed, see discussion of claim 11, but fails to specifically point out:

--a controlled medical vocabulary table.

However, Heinze et al. teaches a control database of medical vocabulary (see: column 17, lines 43-51).

49. As per claim 19, see discussion of claim 14.

Conclusion

50. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

51. In related art U.S. Patent Application Publication 2004/0098269 to Wise et al., tables in databases exemplify parent-to-child relationships allowing "hierarchical data to be stored by creating a table for each level of the hierarchy and separate groups of tables for each branch of the hierarchy" (see: paragraph 11 and 12).

52. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT SOREY whose telephone number is (571)270-3606. The examiner can normally be reached on Monday through Friday 7:30AM to 5:00PM (EST).

53. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

54. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert Sorey/
Examiner, Art Unit 4194
13 February 2008

/Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 4194